

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

DARRIN WILLIAM MATT,

Plaintiff,

vs.

CORECIVIC, et al.,

Defendants.

CV 18-00127-GF-BMM-JTJ

ORDER

Plaintiff Darrin William Matt (“Matt”), a pro se prisoner proceeding without counsel, filed a complaint (Doc. 2) alleging that thirty-three Defendants violated his rights under the First, Fourth, Eighth, and Fourteenth Amendments. The Court advised Matt that his Complaint failed to state a federal claim for relief and was subject to dismissal. (Doc. 10 at 16). The Court gave Matt an opportunity to file an amended complaint and specifically advised him that the Court would dismiss this matter if he failed to correct the defects in his Complaint. *Id.*

Mail sent by the Court to Matt on June 25, 2019 was returned as undeliverable with an indication that Matt was no longer incarcerated at Montana State Prison. (Doc. 12.) The Court advised Matt in its October 18, 2018, Notice of Case Opening (Doc. 3 at 2), the Court’s Order dated November 28, 2018, (Doc. 3 at 6), and the Court’s Order dated May 13, 2019, (Doc. 10 at 16), that he must

immediately inform the Clerk of Court of any change in his address and a failure to do so could result in dismissal of his case. Nearly 30 days have elapsed since the return of written communication from the Court addressed to Matt's address of record and Matt has not filed a notice of change of address.

Magistrate Judge Johnston entered his Finding and Recommendations in this matter on June 25, 2019. (Doc. 11.) Judge Johnston determined that Matt had failed to file an amended complaint. For the reasons set forth in the Court's Order of May 5, 2019, (Doc. 10), the Court finds that Matt has failed to state a federal claim upon which relief may be granted and the failure meets the requirements for dismissal.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 11.) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Matt's action is **DISMISSED** for failure to state a federal claim.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaints lacks arguable substance in law or fact.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

DATED this 24th day of July, 2019.



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Brian Morris  
United States District Court Judge

